

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CENTER FOR BIOLOGICAL  
DIVERSITY, *et al.*,

*Plaintiffs,*

v.

NATIONAL MARINE FISHERIES  
SERVICE, *et al.*,

*Defendants.*

Civil Action No. 2:19-cv-01299-MLP

**PLAINTIFFS' NOTICE OF  
DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs voluntarily dismiss this lawsuit without prejudice. Plaintiffs filed this lawsuit on August 19, 2019 to compel the National Marine Fisheries Service (the "Service") to respond to their 2016 Petition to designate a Whale Protection Zone and issue other regulations to better protect and recover the endangered Southern Resident killer whales. On October 24, 2019, the Service issued a scoping notice seeking public input on whether existing regulations adequately protect Southern Resident killer whales from the impact of vessels and noise in the inland waters of Washington State and, if they do not, what additional actions the Service should take. *Notice of availability*, 84 Fed. Reg. 57015 (October 24, 2019). On November 18, 2019, Plaintiffs received a letter from the Service

1 formally denying their Petition, stating that the agency had instead exercised its discretion to  
2 conduct the scoping process for a “potential rulemaking” to revise existing regulations.

3 Plaintiffs intend to engage in this scoping process and reserve the right to challenge the  
4 Service’s denial of their Petition in a separate action.

5 Respectfully submitted November 26, 2019,

6 By: /s/ Julie Teel Simmonds  
Admitted *Pro Hac Vice*

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8 Julie Teel Simmonds (CO Bar No. 32822)  
CENTER FOR BIOLOGICAL DIVERSITY  
1536 Wynkoop St., Ste. 421  
9 Denver, CO 80202  
Phone: (619) 990-2999  
10 jteelsimmonds@biologicaldiversity.org

11 /s/ Sarah Uhlemann  
Sarah Uhlemann (WA Bar No. 41164)  
12 CENTER FOR BIOLOGICAL DIVERSITY  
2400 NW 80th Street, #146  
13 Seattle, WA 98117  
Phone: (206) 327-2344  
14 suhlemann@biologicaldiversity.org

15 *Attorneys for Plaintiffs*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2019, I electronically filed the foregoing  
PLAINTIFFS' NOTICE OF DISMISSAL with the Clerk of the Court using the CM/ECF system,  
which will automatically serve the documents upon counsel of record.

/s/ Julie Teel Simmonds

Admitted *Pro Hac Vice*

Julie Teel Simmonds (CO Bar No. 32822)

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Phone: (619) 990-2999

jteelsimmonds@biologicaldiversity.org